

Section I: FOIA Leadership and Applying the Presumption of Openness

The guiding principle underlying the Department of Justice’s (DOJ) 2022 [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency’s Chief FOIA Officer at or above this level? **Yes.**
2. Please provide the name and title of your agency’s Chief FOIA Officer.

Rebecca Tolene, Executive Vice President and General Counsel

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan

TVA’s mission is to serve the people of the Tennessee Valley. TVA’s business model is based on partnerships with the region’s citizens, communities and local power companies. Public input, public participation, and the sharing of information are foundational to TVA’s development and implementation of strategic plans and policy decisions. TVA is committed to transparency with the public in all that we do. This includes public participation in integrated resource planning, public meetings of the TVA Board of Directors, listening sessions with the public, two federally chartered advisory councils, working groups and task forces with stakeholder members, community and neighborhood meetings in local communities, public participation through processes under the National Environmental Policy Act, and financial reporting and filings with the U.S. Securities and Exchange Commission, in addition to compliance with the Freedom of Information Act.

B. Presumption of Openness

4. DOJ’s 2022 FOIA Guidelines provides that “agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.” Does your agency provide such confirmation in its response letters? **Yes.**

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:
 - a. the number of times your agency issued a full or partial Glomar response during Fiscal Year (FY) 2025 (please separate full and partial Glomar responses if possible);
 - i. **TVA did not issue any Glomar responses in FY 2025.**
 - b. the number of times a Glomar response was issued by exemption during FY 2025 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).
 - i. **TVA did not issue any Glomar responses in FY 2025.**
6. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

All records responsive to FOIA requests undergo thorough review to maximize disclosure of information. Internal agency materials subject to Exemption 5 are withheld only when a determination of foreseeable harm has been made.

Section II: Ensuring Fair and Effective FOIA Administration

DOJ's 2022 [FOIA Guidelines](#) provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” DOJ also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

During FY25, TVA’s FOIA professionals completed both virtual and in-person training sessions provided by the Office of Information Policy. In addition, the FOIA team hosted an informational webinar accessible to all agency personnel.

2. Did your FOIA professionals, or other personnel at your agency with FOIA responsibilities, attend substantive FOIA training during the reporting period, such as training provided by the Department of Justice? **Yes.**
3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

TVA hosted an on-site, in-person training provided by the Department of Justice. Topics covered included *Achieving Transparency Through Proactive Disclosures, FOIA Procedural Requirements, FOIA Exemptions Overview and the FOIA and Privacy Act Interface.*

4. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period. **100%**
5. OIP has [directed agencies](#) to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year. **N/A**
6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff, and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process.

TVA’s FOIA Response Team conducted an informational FOIA webinar that was open to all agency personnel. Additionally, individual and small group training was provided periodically to TVA leaders, record custodians and other non-FOIA professionals by the FOIA Officer and TVA’s FOIA support attorneys.

B. Outreach

7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples.

When a request cannot be processed within the simple track, TVA notifies the requester of the unusual circumstances and seeks an opportunity to discuss potential modifications that would allow for quicker processing.

8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.

TVA uses multiple methods of outreach to communicate with stakeholders and the communities we serve. We utilize a regional external relations and communications model to leverage all areas of TVA to gain insights from and bring value to external stakeholders. These include customers, communities, elected officials, economic development stakeholders, public interest groups and civic organizations, some of whom make FOIA requests. TVA is dedicated to working with its stakeholders to proactively provide information and listen to feedback on TVA actions and issues of interest, including engaging in dialogue with non-governmental organizations, among others, to help explain TVA's determinations on their requests and to provide explanatory information on TVA actions.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2025 (please provide a total number or an estimate of the number for the agency overall).

10-15 times (estimated)

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

TVA completed a comprehensive, cross-functional review of its FOIA program including an assessment of the existing programmatic state, a review of the organizational structure, alignment of legal support, benchmarking of similar agencies, and the use of technology. A business case proposal for the redesign of the FOIA program was approved which led to programmatic changes that

established a dedicated FOIA Response Team to improve timeliness of responses and reduce the backlog of FOIA requests.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

In addition to the quarterly and annual statistical reports required by FOIA, the FOIA Officer distributes a weekly report to the Chief FOIA Officer and other key personnel. This report provides an overview of new requests received and a summary of the requests that were completed. TVA's primary measure is response time and back log, which is analyzed through our case management system.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

TVA engaged in an Request for Proposal (RFP) to secure a new case management system which utilizes new technologies to help improve efficiencies in FOIA processing.

Section III: Proactive Disclosures

DOJ's 2022 [FOIA Guidelines](#) emphasize that “proactive disclosure of information is ... fundamental to the faithful application of the FOIA.” The Guidelines direct agencies to post “records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

The FOIA Officer routinely reviews TVA's FOIA Reading Room and updates it with new information as it becomes available.

2. Does your agency post logs of its FOIA requests? **No.**
3. If so, what information is contained in the logs? **N/A**
4. Are they posted in CSV format? If not, what format are they posted in? **N/A**

5. Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links. **N/A**
6. Provide examples of any material (with links) that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

TVA did not have any material that was requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D).

Information that was proactively disclosed includes, but is not limited to, the following:

- a. **TVA Board of Directors meetings agendas, presentations, recaps, streaming video, approved resolutions and other Board resources - [Board of Directors](#)**
 - b. **TVA's 2025 Integrated Resource Plan process - [Integrated Resource Plan](#)**
 - c. **TVA Financial reports - [TVA - SEC Filings](#)**
 - d. **TVA Strategic Plan - [Strategic Plan](#)**
7. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.
 - a. [Reading Room](#)
 - b. [Reports](#)
 - c. [Board of Directors](#)
 8. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine-readable formats. If your agency is not taking steps to make posted information more useful, please explain why.

We are committed to ensuring that the external TVA website is accessible to all users, including those with special needs, and we are continuously implementing improvements to increase accessibility. In 2023, TVA began applying User Interface / User Experience (UI/UX) design research and

principles to further engage our audiences and accelerate improvements targeting their needs.

9. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

TVA's FOIA Response Team collaborates with internal business units to identify and prepare proactive disclosures related to FOIA. Additionally, TVA's Communications organization supports other TVA units in reviewing and publishing information on the agency's website (www.tva.com).

10. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

The FOIA Response Team regularly engages with internal business units to emphasize the importance of proactive disclosure and its role in promoting transparency and compliance.

Section IV: Steps Taken to Make Better Use of Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. DOJ's 2022 [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes. We participated in a Request for Proposal (RFP) process to acquire a new case management system designed to leverage advanced technologies and enhance efficiency.

2. Please briefly describe any new types of technology your agency uses to support your FOIA program.

In 2025, TVA acquired a new case management system to streamline the administration of our FOIA program.

3. Does your agency currently use any technology to automate request intake, customer service, or record processing? For example, does your agency use artificial intelligence or other tools to conduct searches or make redactions? If so,

please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology?

TVA is currently evaluating opportunities to utilize technology to automate record processing, including Artificial Intelligence (AI).

4. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance? **Yes.**
5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2025 appear on FOIA.gov? **Yes.**
6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2026. **N/A**
7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2024 Annual FOIA Report and, if available, for your agency's Fiscal Year 2025 Annual FOIA Report.

[Freedom of Information Act Reports Annual Report Data](#)

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance? **Yes.**
9. Optional -- Please describe your agency best practices in better utilizing technology and any challenges your agency faces in this area.

In 2025, TVA acquired a new case management system to streamline the administration of our FOIA program, and we are currently evaluating opportunities to leverage Artificial Intelligence (AI) to enhance communication with requesters and assist in the record management process.

Section V: Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

DOJ's 2022 [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

1. Has your agency established alternative means of access for any categories of first-party requested records, outside of the typical FOIA or Privacy Act process?

Some first-party requests may be made directly to agency record holders.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

TVA has established processes for Privacy Act requests as detailed in 18 CFR Part 1301 and processes through which individuals may request information related to them, such as employment or personnel records. Additionally, TVA provides a dedicated process for requesters to obtain 26a permits directly through the Public Land Information Center (PLIC).

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

In its role as regulator, TVA has established a Complaint Resolution Process that serves as a dispute resolution resource to address issues or complaints between local power companies and their customers.

B. Timeliness

4. For Fiscal Year 2025, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2025 Annual FOIA Report. **9.75**
5. If your agency's average number of days to adjudicate requests for expedited processing was more than ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2025 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less. **N/A**
6. Does your agency utilize a separate track for simple requests? **Yes.**
7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2025? **Yes.**
8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year? **N/A**

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2025 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100. **78%**
10. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer? **N/A**

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2025, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024? **No.**
12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2025 than it did during Fiscal Year 2024? **Yes.**
13. If your agency's request backlog increased during Fiscal Year 2025, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:
 - a. An increase in the number of incoming requests – **Yes.**
 - b. A loss of staff – **Yes.**
 - c. An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase) – **Yes. Requests received are significantly technical in nature requiring intensive SME and legal consultation.**
 - d. Litigation – **Yes.**
 - e. Any other reasons – please briefly describe or provide examples when possible – **N/A**
14. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A." **43.9%**

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2025, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2024? **N/A**
16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2025 than it did during Fiscal Year 2024? **N/A**
17. If your agency's appeal backlog increased during Fiscal Year 2025, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors: **N/A**
 - a. An increase in the number of incoming appeals – **N/A**
 - b. A loss of staff – **N/A**
 - c. An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase) – **N/A**
 - d. Litigation – **N/A**
 - e. Any other reasons – please briefly describe or provide examples when possible – **N/A**
18. If you had an appeal backlog, please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2025. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2025 and/or has no appeal backlog, please answer with "N/A." **N/A**

D. Backlog Reduction Plans

19. In the 2025 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2024 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2025? **N/A.**
20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2025, please explain your agency's plan to reduce this backlog during Fiscal Year 2026. **N/A.**

E. Reducing the Age of Requests, Appeals, and Consultations

Ten Oldest Requests

21. In Fiscal Year 2025, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2024 Annual FOIA Report? **No.**
22. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2025 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. **Six.**
23. Beyond working on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

TVA completed a comprehensive, cross-functional review of its FOIA program including an assessment of the existing programmatic state, a review of the organizational structure, alignment of legal support, benchmarking of similar agencies, and the use of technology. A business case proposal for the redesign of the FOIA program was approved which led to programmatic changes that established a dedicated FOIA Response Team to improve timeliness of responses and reduce the backlog of FOIA requests.

Ten Oldest Appeals

24. In Fiscal Year 2025, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2024 Annual FOIA Report? **N/A**
25. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2024 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. **N/A**
26. Beyond working on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals. **N/A**

Ten Oldest Consultations

27. In Fiscal Year 2025, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2024 Annual FOIA Report? **N/A**
28. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2024

Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. **N/A**

Additional Information Regarding Ten Oldest

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2026.

At the start of FY26, TVA successfully closed the oldest request and plans to resolve the remaining three oldest requests during the fiscal year. These outstanding requests are highly complex and are currently undergoing comprehensive legal and subject matter expert review.

F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate:

- a. The number and nature of requests subject to litigation
- b. Common causes leading to litigation
- c. Any other information to illustrate the impact of litigation on your overall FOIA administration

In 2024, TVA was named in six FOIA lawsuits following an unprecedented surge in requests—both in volume and complexity—far exceeding the normal, predictable workload. Despite diligent efforts, TVA was unable to process these requests within the statutory timeframes outlined in 5 U.S.C. § 552(a)(6)(A) using existing resources.

Consequently, five of the lawsuits, all filed by the same plaintiff on separate subject matters, were based on constructive exhaustion of administrative remedies.

In response, TVA undertook a comprehensive redesign of its FOIA program to better manage the increased demand and reduce backlog. As of 2025, four lawsuits remain pending.